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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,127	02/19/2004	Alfonso Branca	22833	5233
535	7590	06/02/2005	EXAMINER	
THE FIRM OF KARL F ROSS 5676 RIVERDALE AVENUE PO BOX 900 RIVERDALE (BRONX), NY 10471-0900			WATKINS III, WILLIAM P	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/782,127

Applicant(s)

BRANCA, ALFONSO

Examiner

William P. Watkins III

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1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 13-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 14 April 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Applicant's election with traverse of Group I, claims 1-12 in the reply filed on 11 April 2005 is acknowledged. The traversal is on the ground(s) that the process requires coating of cellulose. This is not found persuasive because the article could be made by the alternate process of coating individual fibers, then joining them by lamination. The examiner notes that the method claims will be rejoined with any allowable article claims, if the method claims contain all of the limitations of any allowable article claim. The examiner further notes that the restriction requirement incorrectly associated the Groups and claims in the explanation section of the restriction and that applicant correctly interpreted claims 1-12 as belonging to Group I.

The requirement is still deemed proper and is therefore made FINAL.

2. The substitute specification filed on 11 April 2005 is accepted and has been entered.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 3, 4, 7, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tingley (U.S. 6,051,301).

Tingley teaches a fiber reinforced resin matrix that is formed by pultrusion with a cellulose surface material joined to the matrix. The matrix material may be epoxy or phenolic resins. The fibers may be Kevlar, carbon or glass. The matrix material may be used as the adhesive to join the cellulose surface material to the matrix (col. 7, lines 35-40, col. 6, lines 20-35, col. 1, lines 60-65, col. 2, lines 30-35, abstract). The instant invention claims the use of glass fibers in a phenolic resin matrix formed by pultrusion with a coating of a cellulose based paper layer. It would have been obvious to one of ordinary skill in the art to have selected phenolic resin and glass fibers from the options given in the Tingley in order to practice the invention of Tingley because of the teachings of

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Tingley. The product of Tingley is taken as having a smooth surface. The paper surface material of Tingley is taken as being a network of fibers.

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tingley (U.S. 6,051,301) as applied to claims 1-4, 7, 9, and 19 above, and further in view of Dagher et al. (U.S. 2001/0002609 A1).

Dagher et al. teaches the perforation of a fibrous web to improve resin impregnation (section 0036). The instant invention claims the use of perforations in a cellulose covering layer. It would have been obvious to one of ordinary skill in the art to have perforated the cellulose layer of Tingley in order to better allow the resin of the fiber matrix to impregnate and bond the cellulose layer because of the teachings of Dagher et al.

6. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tingley (U.S. 6,051,301) as applied to claims 1-4, 7, 9, and 10 above, and further in view of Tingley (U.S. 5,744,228).

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Tingley '228 teaches the use of wood or synthetic fibers and particles to reinforce a resin matrix material in a composite structure (abstract, col. 1, lines 60-69). The instant invention claims cellulose particles and flakes coated on a pultruded fiber resin matrix. It would have been obvious to one of ordinary skill in the art to have added wood particles to the resin matrix of Tingley '301 in order to better stabilize the matrix because of the teachings of Tingley '228. Flakes are taken by the examiner to be a type of particle.

7. Claims 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tingley (U.S. 6,051,301) as applied to claims 1-4, 7, 9, and 10 above, and further in view of Tingley (U.S. 5,736,220).

Tingley '220 teaches the use of depressions in a resin matrix in order to enhance adhesion of the matrix to other substrates. The instant invention claims a rough surface on a resin pultruded matrix. It would have been obvious to one of ordinary skill in the art to have formed recesses on the surface of Tingley '301 in order to enhance adhesion of the matrix of Tingley '301 to other materials because of the teachings of Tingley '220. The examiner takes the recesses as forming a type

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of rough surface. The surface with recesses can also be considered as a type of embossed surface.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**WILLIAM P. WATKINS III
PRIMARY EXAMINER**

WW/ww

May 31, 2005